UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,511	11/05/2001	David L. Rabbers	OIC0047P1US	6817

60975   7590   03/26/2008
CAMPBELL STEPHENSON LLP
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN, TX 78758

EXAMINER
KANG, PAUL H

ART UNIT	PAPER NUMBER
2144	

MAIL DATE	DELIVERY MODE
03/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/992,511	RABBERS ET AL.
	Examiner	Art Unit	
	Paul H. Kang	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1-6, 8-9, 11-16, 18-19, 21-26, 28-29,* .
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8,9,11-16,18,19,21-26,28,29,31,33-40 and 61* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-6,8,9,11-16,18,19,21-26,28,29,31,33-40 and 61* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *05 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some *   c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____ .
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on January 31, 2008 has been entered.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent No. 6,477,543 by Huang in view of Shupak et al., US Patent No. 7,120,675.

4.   In claim 1, Huang teaches a method, comprising: establishing a connection between a

server "Replica Host" and a synchronization client "Synchronization Proxy" associated with a

handheld device "Client", the server having access to a first database (data store in 402) and the

handheld device having access to a second database (data store in 202), the handheld device

comprising an application configured to allow a user write access to the second database,

wherein the synchronization client is configured to use the connection in an a operation to

synchronize the second database and the first database (Huang Col 1, lines 50-60) (Huang Col 7,

lines 25-30) (Huang Col 7, lines 45-55) (Huang Col 8, lines 1020) (Huang Col.8, lines 55-65)

(Huang Col 9, lines 29-33); receiving, from the server, first information indicative of a structure

"format" of the first database (Huang Col 8, lines 2035) (Huang Col 13, lines 35-45); This

information is embedded in the sync logic that is past to synchronization proxy, receiving, from

the server, second information indicative of a version of the application (Huang Col 2, lines 10-

20) (Huang Col 13, lines 35-45) (Huang Col 14, lines 20-30); This information is embedded in

the sync logic that is past to synchronization proxy, sending, to the server, information of

transactions performed on the second database (Huang Col 13, lines 50-60); receiving metadata

from the server to update the application (Huang Col 13, lines 40-50); and (metadata information

that convey the adjustment moving from a high resolution to a Handheld Palm Pilot screen) and

determining whether the handheld device has sufficient memory to store (Huang, Col. 6, lines

29-55, Col. 10, lines 29-51 and Col. 13, lines 44-45).

However, Huang does not teach comparing the first information stored on the handheld

device that is indicative of a version of the application on the handheld device, and updating the

application on the handheld device using metadata received from the server if the first

information does not compare equally with the information that is indicative of the version of the

application on the handheld device.

In the same field of endeavor, Shupak teaches a system and method for a configurable

operating system for control of a mobile device comprising comparing the first information

stored on the handheld device that is indicative of a version of the application on the handheld

device, and updating the application on the handheld device using metadata received from the

server if the second information does not compare equally with the information that is indicative

of the version of the application on the handheld device (See Shupak, Abstract and col. 10, lines

12-36 and col. 10, line 50 – col. 11, line 24. See also claim 1).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to have incorporated the application updating as taught by Shupak into the

synchronization system of Huang for the purpose of increasing flexibility of device and software

management as well as improving compatibility to data formats.

5.   In claim 2, Huang-Shupak teaches the method of claim 1, further comprising determining

whether the structure of the first database has been updated since the previous synchronization

operation (Huang Col 13, lines 50-60) (Huang Col 14, lines 20-30).

6.   In claim 3, Huang-Shupak teaches the method of claim 2, wherein determining whether

the structure of the first database has been updated since the previous synchronization operation,

comprises: comparing the first information with information stored on the handheld device that

is indicative of the structure of the first database when the previous synchronization operation

was performed (Huang Col 13, lines 50-60) (Huang Col 14, lines 20-30).

7.   Claims 4-6, 8-9, 11-16, 18-19, 21-26, 28-29, 31, and 33-40 are rejected under 35

U.S.C. 103(a) as being unpatentable over Huang in view of Shupak, and further in view of

Boothby et al., US Patent App. No. 2001/0005849.

8.   In claim 4, Huang-Shupak teaches the method of claim 2, wherein receiving, from the

server, one of the filtered data, comprises (Covered in claim 1) (Boothby Paragraph 56, lines 1-1

1); receiving, from the server, a first set of data extracted from the first database when the

structure of the first database has been updated since the previous synchronization operation, the

first set of data including data that has not changed in the second database since the previous

synchronization operation was performed (Huang Col 10, lines 15-25) (Huang Col 13, lines 35-

45) (Huang Col 13, lines 50-60). Steps involve when updating email from a Lotus Notes source.

        But Huang-Shupak does not explicitly teach about sending to the server filter

information; filtering data based on the filter information; and receiving from the server, the

filter data.

        Boothby teaches a synchronization of databases using filters in which filter information is

provided to a first database (Server or desktop). The filter information is used in the filtering

operation as claimed (Paragraph 19, lines 1-8) (Paragraph 22, lines 1-6) (Paragraph 44, lines 1-

8). Boothby further teaches about the filter data being synchronized base on filter information

that has changed since the previous synchronization operation (Paragraph 45, lines 1-8)

(Paragraph 46, lines 1-6) (Paragraph 47, lines 1-13).The handheld devices in Huang invention

are know in the art to be limited in process and storage capabilities (Huang Col 2, lines 5-15)

(Huang Col 11, lines 35-45). Boothby disclosed in his invention an improvement to handheld

computer operation by filtering data that has changed after previous synchronization (Paragraph

19, lines 1-8) (Paragraph 46, lines 1-6).

It would have been obvious for some one of ordinary skill at the time of the invention to

improve on the Huang-Shupak invention by use of the filtered-synchronized operation of

Boothby invention to better utilize the limited memory of a handheld device.

9.   In claim 5, Huang-Shupak-Boothby teaches the method of claim 2, wherein receiving,

from the server, one of the filtered data comprises (Boothby Paragraph 56, lines 1-11) (Covered

in claim 1): receiving, from the server, a second set of data extracted from the first database when

the structure of the first database has not been updated since the previous synchronization

operation, the second set of data not including data that has not changed in the second database

since the previous synchronization operation was performed (Huang Col 10, lines 15-25) (Huang

Col 13, lines 50-60). Steps involve when updating an address book application.

10.   In claim 6, Huang-Shupak-Boothby teaches the method of claim 1, further comprising

determining whether the application has been updated since the previous synchronization

operation (Huang Col 13, lines 50-60).

11.   In claim 8, Huang-Shupak-Boothby teaches the method of claim 1, wherein sending, to

the server, information of transactions performed on the second database, comprises: receiving,

from the server, an identifier of information of a last transaction received by the server (Huang

Col 14, lines 20-30); and sending, to the server, transaction information that includes an

identifier for each transaction "update history" made after the last transaction received by the

server (Huang Col 14, lines 20-30).

12.   In claim 9, Huang-Shupak-Boothby teaches the method of claim 8, wherein sending to

the server information of transactions performed on the second database, further comprises:

receiving, from the server, error information when the server detects a transaction error (Huang

Col 14, lines 35-40); providing an indication of the error information to a user (Huang Col 14,

lines 12-18); receiving input from the user to process the transaction error (Huang Col 14, lines

12), means for identifying, in the first database, data visible to the user of the synchronization

client (Covered .in claim 1); means for filtering the identified data based on the user-specific

filter information (Covered in claim 1) and means for receiving, from the server, one of the

filtered data or a subset of the filtered data that has changed since the previous synchronization

operation data. (Covered in claim 1).

13.   In claim 11, is substantially the same as that of claim 1 above. Therefore, claim 11 is

rejected under the same rationale.

14.   In claim 12, Huang-Shupak-Boothby teaches the system of claim 11, further comprising

means for determining whether the structure of the first database has been updated since .the

previous synchronization operation (Huang Col 13, lines 50-60) (Huang Col 14, lines 20-30).

15.   In claim 13, Huang-Shupak-Boothby teaches the system of claim 12, wherein the means

for determining, comprises: means for comparing the first information with information stored

on the handheld device that is indicative of the structure of the first database when the previous

synchronization operation was performed (Huang Col 13, lines 50-60) (Huang Col 14, lines 20-30).

16.   In claim 14, Huang-Shupak-Boothby teaches the system of claim 2, wherein the means for receiving, from the server, one of the filtered data or a subset of the filtered data that has changed since the previous synchronization operation to update the second database, comprises (Boothby Paragraph 56, lines 1-11) (Covered in claim 1): means for receiving, from the server, a first set of data extracted from the first database when the structure of the first database has been updated since the previous synchronization operation, the first set of data including data that has not changed in the second database since the previous synchronization operation was performed (Huang Col 10, lines 15-25) (Huang Col 13, lines 35-45) (Huang Col 13, lines 50-60). Steps involve when updating email from a Lotus Notes source.

17.   In claim 15, Huang-Shupak-Boothby teaches the method of claim 2, wherein the means for receiving, from the server, one of the filtered data or a subset of the filtered data that has changed since the previous synchronization operation to update the second database, comprises (Covered in claim 1): means for receiving, from the server, a second set of data extracted from the first database when the structure of the first database has not been updated since the previous synchronization operation, the second set of data not including data that has not changed in the second database since the previous synchronization operation was performed (Huang Col 10, lines 15-25) (Huang Col 13, lines 50-60). Steps involve when updating an address book application.

18.   In claim 16, Huang-Shupak-Boothby teaches the system of claim 11, further comprising

means for determining whether the application has been updated since the previous

synchronization operation (Huang Col 13, lines 50-60).

19.   In claim 18, Huang-Shupak-Boothby teaches the system of claim 11, wherein the means

for sending, to the server, information of transactions performed on the second database,

comprises: means for receiving, from the server, an identifier of information of a last transaction

received by the server (Huang Col 14, lines 20-30); and means for sending, to the server,

transaction information that includes an identifier for each transaction "update history" made

after the last transaction received by the server (Huang Col 14, lines 20-30).

20.   In claim 19, Huang-Shupak-Boothby teaches the system of claim 18, wherein the means

for sending to the server information of transactions performed on the second database, further

comprises: means for receiving, from the server, error information when the server detects a

transaction error (Huang Col 14, lines 35-45); means for providing an indication of the error

information to a user (Huang Col 14, lines means for receiving input from the user to process the

transaction error (Huang Col 14, lines 12-18).

21.   In claim 21, Huang-Shupak-Boothby teaches the machine-readable medium having

stored thereon a plurality of instructions that when executed by a computer cause the computer to

perform operations comprising (Huang Co126, lines 38-50): establishing a connection between a

server "Replica Host" and a synchronization client "Synchronization Proxy" associated with a

handheld device "Client", the server having a first database (data store in 402) and the handheld

device having a second database (data store in 202), the handheld device having an application to

allow a user to access the second database, wherein the synchronization client to use the

connection in a synchronization operation of the second database and the first database (Huang

Col 1, lines 50-60) (Huang Col 7, lines 25-30) (Huang Col 7, lines 45-55) (Huang Col 8, lines

10-20) (Huang Col 8, lines 55-65) (Huang Col 9, lines 29-33);receiving, from the server, first

information indicative of a structure "format" of the first database (Huang Col 8, lines 20-35)

(Huang Col 13, lines 35-45); This information is embedded in the sync logic that is past to

synchronization proxy, receiving, from the server, second information indicative of a version of

the application from the server (Huang Col 13, lines 3545) (Huang Col 14, lines 20-30); This

information is embedded in the sync logic that is past to synchronization proxy, sending, to the

server, information of transactions performed on the second database by a user via the handheld

device (Huang Col 13, lines 50-60); receiving metadata from the server to update the application

on the handheld device when the application has been updated since a previous synchronization

operation (Huang Col 13, lines 40-50); and (metadata information that convey the adjustment

moving from a high resolution to a Handheld Palm Pilot screen). sending, to the server, filter

information (Covered in claim 1); filtering data based on the filter information (Covered in claim

1); and receiving, from the server, the filtered data that has changed since the previous

synchronization operation to update the second database (Covered in claim 1), and further

Shupak teaches a system and method for a configurable operating system for control of a mobile

device comprising comparing the second information stored on the handheld device that is

indicative of a version of the application on the handheld device, and updating the application on the handheld device using metadata received from the server if the second information does not compare equally with the information that is indicative of the version of the application on the handheld device (See Shupak, Abstract and col. 10, lines 12-36 and col. 10, line 50 – col. 11, line 24. See also claim 1).

22.   In claim 22, Huang-Shupak-Boothby teaches the machine-readable medium of claim 22, wherein the instructions for performing the operation of receiving, from the server, one of the filtered data or a subset, of the filtered data that has changed since the previous .synchronization operation to update the second database, include instructions that when executed by the computer cause the computer to perform operations comprising, (Covered in claim 1): determining whether the structure of the first database has been updated since the previous synchronization operation (Huang Col 13, lines 50-60) (Huang Col 14, lines 20-30).

27. In claim 23, Huang-Shupak-Boothby teaches the machine-readable medium of claim 22, wherein the instructions for performing the operation of receiving, from the server, one of the filtered data or a subset of the filtered data that has changed since the previous synchronization operation to update the second database, include instructions that when executed by the computer cause the computer to perform operations comprising (Covered in claim 1): comparing the first information with information stored on the handheld device that is indicative of the structure of the first database when the previous synchronization operation was performed (Huang Col 13; lines 50-60) (Huang Col 14, lines 20-30).

23.   In claim 24, Huang-Shupak-Boothby teaches the machine-readable medium of claim 22,

wherein the instructions for performing the operation of receiving, from the server, data

extracted from the first database to update the second database, include instructions that when

executed by the computer cause the computer to perform operations comprising: receiving, from

the server, a first set of data extracted from the first database when the structure of the first

database has been updated since the previous synchronization operation, the first set of data

including data that has not changed in the second database since the previous synchronization

operation was performed (Huang Col 10, lines 15-25) (Huang Col 13, lines 35-45) (Huang Col

13, lines 50-60). Steps involve when updating email from a Lotus Notes source.

24.   In claim 25, Huang-Shupak-Boothby teaches the machine-readable medium of claim 22,

wherein the instructions for performing the operation of receiving, from the server, data

extracted from the first database to update the second database, include instructions that when

executed by the computer cause the computer to perform operations comprising: receiving, from

the server, a second set of data extracted from the first database when the structure of the first

database has not been updated since the previous synchronization operation, the second set of

data not including data that has not changed in the second database since the previous

synchronization operation was performed (Huang Col 10, lines 15-25) (Huang Col 13, lines 50-

60). Steps involve when updating an address book application.

25.   In claim 26, Huang-Shupak-Boothby teaches the machine-readable medium of claim 21,

wherein the plurality of instructions further comprises instructions that when executed by the

computer cause the computer to perform operations comprising: determining whether the

application has been updated since the previous synchronization operation (Huang Col 13, lines

50-60).

26.   In claim 28, Huang-Shupak-Boothby teaches the machine-readable medium of claim 21,

wherein the instructions for performing the operation of sending, to the server, information of

transactions performed on the second database, include instructions that when executed by the

computer cause the computer to perform operations comprising: receiving, from the server, an

identifier of information of a last transaction received by the server (Huang Col 14, lines 20-30);

and sending, to the server, transaction information that includes an identifier for each transaction

"update history" made after the last transaction received by the server (Huang Col 14, lines 20-

30).

27.   In claim 29, Huang-Shupak-Boothby teaches the machine-readable medium of claim 28,

wherein the instructions for sending to the server information of transactions performed on the

second database, include instructions that when executed by the computer cause the computer to

perform operations comprising: receiving, from the server, error information when the server

detects a transaction error (Huang Col 14, lines 35-40); providing an indication of the error

information to a user (Huang Col 14, lines 1218); and receiving input from the user to process

the transaction error (Huang Col 14, lines 12-18).

28.   Claims 31 and 33-40are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang-Shupak-Boothby as applied above, and further in view of Osman, US Pat. Pub. No. 2002/0194293 A1.

29.   In claim 31, Huang-Shupak-Boothby teaches the handheld device, comprising (Fig 2): a local database (Fig 2, 202); a user interface (key pad on handheld) coupled to the local database (Huang Col 1, lines 50-60); a transaction recorder coupled to the local database, wherein the transaction recorder to record information related to changes made to the local database by a user of the handheld device via the user interface and to provide the recorded information to a server during a synchronization operation (Huang Col 14, lines 20-30); a metadata importer (sync logic combine with transformation code) coupled to the user interface, wherein the metadata importer to receive metadata from the server during the synchronization operation, the metadata including information for updating the user interface (the display)(Huang Col 13, lines 4050); and a data importer coupled to the local database, wherein the data importer to receive data provided by the server during the synchronization operation, the data being a subset of data extracted from a main database based on visibility rules and filter, the subset representing a part of the, extracted data that has changed since a previous synchronization operation by the server (Covered in claims 1) (Huang Col 13, lines 35-50).

However, Huang-Shupak-Boothby do not explicitly teach a device configured to determine whether the handheld device has sufficient unused memory to store the data provided by the server. Osman teaches a communications system and method where the server determines

whether a client device, such as a cell phone, has sufficient memory for storing application updates (See Osman, paragraph 0023). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the known technique of determining sufficient available memory as taught by Osman, into the known device of Huang-Shupak-Boothby to yield predictable results.

30.   In claim 33, Huang-Shupak-Boothby-Osman teaches the handheld device of claim 31, wherein the data importer further to determine whether a structure of the main database has been changed since previous synchronization operation (Huang Col 13, lines 50-60).

31.   In claim 34, Huang-Shupak-Boothby-Osman teaches the handheld device of claim 33, wherein the data importer to receive an identifier corresponding to the structure of the main database and compare the received identifier with a stored identifier corresponding to the structure of the main database when the previous synchronization operation was performed (Huang Col 13, lines 40-45) (Huang Col 13, lines 50-60).

32.   In claim 35, Huang-Shupak-Boothby-Osman teaches the handheld device of claim 33, wherein the data importer to receive a first set of data extracted from the main database by the server when the structure of the main database has changed since the previous synchronization operation, the first set of data including data that has not changed in the local database since the previous synchronization operation was performed (Huang Col 10, lines 15-

25) (Huang Col 13, lines 35-45) (Huang Col 13, lines 50-60). Steps involve when updating email

from a Lotus Notes source.

33.   In claim 36, Huang-Shupak-Boothby-Osman teaches the handheld device of claim 33,

wherein the data importer to receive a second set of data extracted from the main database by the

server when the structure of the main database has not changed since the previous

synchronization operation, the second set of data omitting data that has not changed in the local

database since the previous synchronization operation was performed (Huang Col 10, lines 15-

25) (Huang Col 13, lines 50-60). Steps involve when updating an address book application.

34.   In claim 37, Huang-Shupak-Boothby-Osman teaches the handheld device of claim 31,

wherein the metadata importer to determine whether the user interface has been updated since

the previous synchronization operation (Huang Col 13, lines 50-60).

35.   In claim 38, Huang-Shupak-Boothby-Osman teaches the handheld device of claim 37,

wherein the metadata importer to receive version information of a most currently available user

interface and to compare the received version information with version information

corresponding to the user interface included in the handheld device (Huang Col 13, lines 50-60)

(Huang Col 14, lines 20-30).

36.   In claim 39, Huang-Shupak-Boothby-Osman teaches the handheld device of claim 31,

wherein the transaction recorder to receive from the server an identifier of a last transaction

recorded by the transaction for which transaction information was received by the server from

the handheld device and to send to the server transaction information that includes an identifier

for each transaction made after the last transaction (Huang Col 13, lines 50-60) (Huang Col 14,

lines 20-30).

37.   In claim 40, Huang-Shupak-Boothby-Osman teaches the handheld device of claim 39,

wherein the transaction recorder to receive from the server error information when the server

detects a transaction error, to provide an indication of the error information to a user, and to

receive input from the user to process the transaction error (Huang Col 14, lines 12-25) (Huang

Cot 14, lines 35-40).

38.   **Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang-**

Shupak as applied above in claim 1, and further in view of Osman, US Pat. Pub. No.

2002/0194293 A1.

39.   As to claim 60, Huang-Shupak teaches the invention substantially as claimed in claim 1

above. However, Huang-Shupak do not explicitly teach a device configured to determine

whether the handheld device has sufficient unused memory to store the data provided by the

server. Osman teaches a communications system and method where the server determines

whether a client device, such as a cell phone, has sufficient memory for storing application

updates (See Osman, paragraph 0023). It would have been obvious to one having ordinary skill

in the art at the time the invention was made to have incorporated the known technique of

determining sufficient available memory as taught by Osman, into the known device for

application updating of Huang-Shupak to yield predictable results.

Response to Arguments

40.   Applicant's arguments filed January 31, 2008 have been fully considered but they are not

persuasive. The applicants argued in substance that the prior art of record, specifically Shupak,

either alone or in combination fails to teach "Claim 1's requirement of 'comparing the first

information with information stored on the handheld device that is indicative of a version of the

application on the handheld device' and 'updating the application on the handheld device…if the

first information does not compare equally with the information that is indicative of the version

of ht application on the handheld device.'"

41.   The examiner respectfully disagrees. Huang teaches a system and method for

synchronizing databases on a server and a handheld devices. However, Huang does not explicitly

teach methods of updating application files responsible for the synchronization. Shupak teaches a

system and method for retrieving software update information. This information includes but is

not limited to version information, debug information, etc. See Shupak, col. 1, lines 23-32.

Applicants' arguments that Shupak fails to "compare" the software version information is not

persuasive. Any system that performs updates will "compare" version information to determine

whether the update is required. Without such a step, it would not be possible to locate an updated

version of the required files. Shupak performs this step by sending a request for an updated

version of the software. The server locates the update by "comparing" information indicative of

the version of the application, then send the application definitions to the client.

Conclusion

42.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul H. Kang/
Primary Examiner
Art Unit 2144